



**Wisconsin Department of Transportation**  
**Wisconsin State Patrol**



# **NEW ENTRANT SAFETY PROGRAM**



## **Educational and Technical Assistance Package**

**Provided by the:**

**Wisconsin MCSAP Compliance Review Investigators**



## Wisconsin Department of Transportation

[www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)

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January 5, 2004

Dear Carrier:

You recently applied for a Federal US DOT Number. In so doing, you have been registered into the New Entrant Program. Through this program, the Federal Motor Carrier Safety Administration (FMCSA) requires that you receive an audit. Investigators from the Wisconsin State Patrol will contact you to set up an appointment to conduct this audit. These investigators are highly trained and will be able to answer your questions.

The areas of review will include but will not be limited to: driver qualifications; driver duty status; vehicle maintenance, and controlled substance and alcohol use and testing requirements. It is our goal to provide you with the necessary information and assistance to ensure that your company will have the best possible start in your operations.

We encourage you to read through the materials in this packet to obtain a good understanding of what is required of you to be in full compliance with applicable regulations. We believe that by providing this packet in advance, you will have the information you need to be prepared for this audit.

Our ultimate goal is safer highways through reduced crashes, injuries and fatalities. One way we can do that is to make sure that you have necessary systems in place to ensure basic safety management controls.

Once your audit has been completed, FMCSA will notify you in writing within 45 days of the results. We look forward to meeting with you.

Sincerely,

A handwritten signature in blue ink, reading "Charles Teasdale".

LT Charles R. Teasdale  
MCSAP Program Manager  
Wisconsin State Patrol

A handwritten signature in blue ink, reading "Bernard L. Coxhead".

Bernard L. Coxhead  
MCSAP Compliance Review Supervisor  
Wisconsin State Patrol

**The purpose of the Federal Motor Carrier Safety Administration's "New Entrant Program" is to promote highway safety by providing carriers with the minimum basic management control requirements for ensuring compliance in accordance with the Federal Motor Carrier Safety Administration.**

**This pamphlet consists of a review of a carrier's safety management system.  
The areas of review include, but are not limited to the following:**

- **Interstate vs. Intrastate Authority**
- **Insurance Requirements**
- **Accident Register**
- **Driver Qualification**
- **Controlled Substances/Alcohol Testing Requirements**
- **Driver Duty Status**
- **Vehicle Maintenance**

**Additional information may be obtained from:**

**Wisconsin Department of Transportation official website:  
[www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)**

**Wisconsin State Patrol  
Motor Carrier & Inspection Services  
Bernard L. Coxhead, MCSAP Compliance Review Supervisor  
Phone: 608-261-5858**

**Additional contact information:**

**Federal Motor Carrier Safety Administration  
567 D'Onofrio Drive, Suite 101, Madison, WI 53719  
Official Website: [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)  
Phone: 608-829-7530**



# Federal Motor Carrier Safety Regulations Compliance Review

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## General Applicability

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The Federal Motor Carrier Safety Regulations (FMCSR's) apply to all employers, employees, and commercial motor vehicles transporting property or passengers in interstate commerce.

**Authority:** Permission to haul a commodity "For Hire".

**Interstate Commerce Authority:** Interstate commerce is movement of persons or property from one jurisdiction to another jurisdiction, i.e. state-to-state, or state to province (based on where the load originated and its destination). Example: a load is transported from Green Bay to the Port of Milwaukee with a final destination of Miami, Florida. The driver delivers to the Port of Milwaukee and never leaves the state. This is an interstate trip. It is not where the driver travels and delivers, it is where the commodity is destined.

Interstate commerce authority (MC number) is granted by the Federal Motor Carrier Safety Administration (FMCSA).

**Intrastate Commerce Authority:** Intrastate commerce is movement of persons or property from one point in Wisconsin to another point in Wisconsin. The load never leaves the state.

Intrastate authority (LC number) is granted by the Division of Motor Vehicles/Wisconsin Department of Transportation.

**Commercial Motor Vehicle:** Any self-propelled or towed motor vehicle used on a highway in interstate or intrastate commerce to transport passengers or property when the vehicle:

- Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- Is used in transporting a quantity of hazardous materials requiring placarding.

**Exceptions to General Applicability:** Transportation provided by Federal, State, and local governments are exempt from FMCSR's. Occasional transportation of personal property by individuals for non-commercial purposes, school bus operations, and transportation of human corpses, or sick and injured people are also exempt.

**Insurance:** For-hire carriers must meet the minimum required amounts. An MCS-90 must be maintained at the principal place of business. Minimum levels of insurance needed:

- Under 10,000 lbs, \$300,000 combined single limit-hauling non-hazardous materials
- Over 10,000 lbs, \$750,000 combined single limit-hauling non-hazardous materials
- Hauling hazardous, \$1,000,000 combined single limit
- Hauling hazardous substances over 3,500 gallons/Class A & B explosives, \$5,000,000 combined single limit

**Accident Register:** For a period of one year after an accident occurs, motor carriers **are required** to maintain an accident register containing the following information:

- Date and place of accident
- Driver's name
- Number of injuries and fatalities
- Hazardous materials (other than fuel) released, if any

Motor carriers are also required to maintain copies of all accident reports required by State or other governmental entities or insurers for a period of one year after an accident occurs.

**Accident:** An occurrence involving a commercial motor vehicle operating on a highway in interstate or intrastate commerce that results in any one of the following:

- A fatality
- Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident
- Disabling damage to one or more vehicles, requiring the vehicle (s) to be towed or otherwise transported from the scene by a tow truck or other vehicle

**Vehicle Identification:** Every commercial motor vehicle operated by a motor carrier in interstate commerce must be marked, on BOTH sides of the self-propelled vehicles, with the following:

- The motor carrier's name or trade name
- The motor carrier's identification number preceded by "USDOT"

Relief from Parts 390-399 of the FMCSRs may be granted during declared emergencies to any motor carrier who provides emergency assistance.

## **Drivers Qualifications**

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Motor carriers must assure that all drivers of commercial motor vehicles meet the minimum qualifications specified in Part 391 and Physical Qualifications and Examinations required in Part 391.41 and possess a valid medical certificate.

**Driver Qualification File - Check List:** Every motor carrier must have a qualification file for each regularly employed driver. The file must include:

- Driver's Application for Employment
- Inquiry to previous employers – 3 years
- Inquiry to state agencies – 3 years
- Annual review of driving record – every 12 months  
A note stating the results of this review shall be included in the Driver's Qualification File.
- Annual driver's certification of violations – every 12 months
- Driver's road test certificate or equivalent (copy of drivers license)
- Medical examination (Medical Examiner's Certificate)
- Inquiry of positive alcohol/controlled substance results
- Previous 7 days on-duty status record for first time drivers and/or intermittent drivers

**Multiple-Employer Drivers:** If a motor carrier employs a person on any basis, the motor carrier must have on file the driver's name, social security number, identification number, type, issuing type of his/her motor vehicle operator's license, medical certificate that includes the driver's name and signature, certification of the driver's full qualifications, and expiration date of the driver's medical certificate, road test and certificate, and controlled substance test results, even if that driver's primary employment is with another carrier.

**Drivers Furnished by Other Motor Carriers:** A motor carrier using a driver regularly employed by another motor carrier must have on file a signed written certificate that includes the driver's name and signature, certification of the driver's full qualifications, and expiration date of the driver's medical examiner's certificate.

## **Alcohol and Drug Testing Requirements**

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**Applicability:** Drivers required to have a commercial drivers license (CDL) are subject to controlled substance and alcohol testing rules. This requirement extends to those drivers currently covered by the rule, including interstate and intrastate truck and motor coach operations. This includes commercial motor vehicles operated by:

- For-hire and private companies
- Federal, State, local tribal governments
- Church and civic organizations
- Apiarian industries

### **Exemptions:**

- Driver exempt from commercial driver's license requirements by their issuing states
- Active duty military personnel

### **Types of Alcohol and Controlled Substance Tests:**

- **Pre-Employment:** No person shall allow a driver to perform a safety sensitive function until they have received the negative controlled substance test results.
- **Post Accident:** As soon as practicable following an accident involving a commercial motor vehicle operating on a highway in commerce, each employer shall test for alcohol and controlled substances each surviving driver:
  - Who was performing safety-sensitive functions with respect to the vehicle.
  - If the accident involved the loss of human life.
  - Who receives a citation under State or Local law for a moving traffic violation arising from the accident if the accident involved.
    - Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident.
    - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- **Random:** Companies are to randomly test a minimum of 10% of its drivers for alcohol, and 50% for controlled substances. The random alcohol test must be performed immediately prior, during, or immediately after a driver is about to or has perform a safety sensitive function as defined in 382.107. All drivers must have an equal chance of being selected.



- **Reasonable Suspicion:** An employer shall require a driver to submit to an alcohol and/or controlled substance test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions concerning alcohol and/or controlled substances. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol and/or controlled substance test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. A supervisor or company official who is trained in accordance with 382.603 shall make the required observations.

- **Return to Duty: Alcohol and Drug Testing**

The requirements for a return-to-duty test is stated in §382.309. Paragraph (c)(1) of §382.605 Referral, evaluation, and treatment, also references the need for a return-to-duty test. In the event a return-to-duty test is required, the driver must also be evaluated by a substance abuse professional (SAP) and participate in any assistance program prescribed.

Return-to-duty tests need not be confined to the substance involved in the violation. If the SAP determines that a driver needs assistance with a poly-substance abuse problem, the SAP may require, for example, alcohol tests to be performed along with the required drug tests after the driver has violated the drug testing prohibition.

**Alcohol Test** After engaging in prohibited conduct regarding alcohol misuse in Subpart B (§382.201 — 382.211), the driver shall undergo a return-to-duty alcohol test before performing a safety-sensitive function. The test result must indicate a breath alcohol concentration of less than 0.02.

**Drug Test** After engaging in prohibited conduct regarding drug use in Subpart B (§382.211 - 382.215), the driver shall undergo a return-to-duty drug test before performing a safety-sensitive function. The test result must indicate a verified negative result for drug use.

### **Retention of Records:**

#### **Five Years**

- Alcohol test of 0.02 or greater
- Verified positive drug test results
- Refusals to submit to required alcohol and drug tests
- Required calibration of Evidential Breath Testing (EBT) devices

#### **Two Years**

- Records related to the collection process and required training

#### **One Year**

- Negative and canceled controlled substances test results
- Alcohol test results indicating a BAC of less than 0.02%

All required records shall be maintained in a secure location with limited access, and shall be made available for inspection by an authorized representative of the Federal Motor Carrier Safety Administration.

**Supervisor Training:** Employers must designate a person to be trained on alcohol/control substance misuse awareness.

**Driver Awareness:** Every motor carrier shall provide educational materials explaining the requirements of the regulations as well as the employer's policies regarding alcohol misuse and controlled substance abuse. Carrier's Drug Policy shall conform to 382.601(b).

**Inquiries to Previous Employers:** A motor carrier, with a driver's written authorization, shall inquire about the following information on a driver from the driver's previous employers for a period of two years preceding the driver's date of application:

- Alcohol tests with a result of 0.04 alcohol concentration or greater
- Verified positive controlled substances test results; and
- Refusals to be tested

## **Hours-of-Service**

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**Applicability:** This section applies to all motor carriers and drivers except those listed in Part 395(1) paragraphs (b) to (n)

Applies to drivers of commercial motor vehicles with GVWR, registered weight or actual weight in excess of 10,000 lbs.

**Intrastate:** (movement of persons or property from one point in Wisconsin to another point in Wisconsin)

- Shall not drive more than 12 hours after 8 consecutive hours off
- Shall not drive after being on duty 16 hours after 8 consecutive hours off
- Shall not drive after being in duty more than 70 hours in 7 days
- Shall not drive after being on duty more than 80 hours in 8 days
- 150 air mile exception- log book requirement does not apply to driver of vehicle within 150 air mile radius if driver returns to work report location within 12 hours
- Record of duty for each 24 hour period (retained by motor carrier for 6 months)
- At least 8 hours off duty separate each 12 hours on duty
- Driver does not exceed 12 hours maximum driving time following 8 consecutive hours off
- Company retains record for 6 month period

**Interstate:** (movement of persons or property from one jurisdiction to another jurisdiction, i.e. state to state or state to province)

### ***Effective January 4, 2004***

These regulations only apply to property carriers and drivers.

- Shall not drive more than 11 hours after 10 hours off duty
- Shall not drive beyond the 14<sup>th</sup> hour after coming on-duty, following 10 hours off duty
- Shall not drive after being on duty 60/70 hours in 7/8 consecutive days. A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off duty

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The 14-hour duty period may not be extended with off-duty time for meals and fuel stops, etc. Only the use of a sleeper berth can extend the 14-hour on-duty period.

Passenger carriers and drivers will continue operating under the “OLD” rules while fatigue issues specific to the passenger carrier are assessed.

(Existing rules- drivers may drive 10 hours and be on-duty 15 hours, following 8 hours off-duty and may not drive after 60/70 hours on-duty in 7/8 consecutive days.)

**100 Air-Mile Radius Exemption:** A driver is exempt from maintaining the driver’s daily log requirements if all of the following are true:

- The driver operates within a 100 mile air-radius of the normal work reporting location.
- The driver returns to the work reporting location and is released from work within 12 consecutive hours.
- A property carrying driver has at least 10 consecutive hours off duty separating each 12 hours on duty and does not exceed 11 hours maximum driving time following 10 consecutive hours off duty.
- A passenger carrying driver has at least 8 consecutive hours off duty separating each 12 hours on duty and does not exceed 10 hours maximum driving time following 8 consecutive hours off duty.
- The motor carrier that employs the driver must maintain and retain for a period of six months accurate and true time records showing,
  - (1) The time the driver reports for duty each day.
  - (2) The total number of hours the driver is on duty each day.
  - (3) The time the driver is released from duty each day.
  - (4) A statement from the driver if the carrier is using the driver for the first time, the total time on duty during the immediately preceding 7 days, and the time the driver was released from duty prior to beginning work.

All drivers shall prepare a record of duty status in their own handwriting for each 24-hour period. Unless operating under the 100 air mile or intrastate operation (under 150 miles) exemptions.

**Retention of Record of Duty Status and Supporting Documents:** The driver must submit the original log sheet to the employing carrier within 13 days after completion. When a motor carrier uses a driver initially or intermittently, that carrier must obtain from the driver a signed statement giving the total time on duty during the immediate preceding 7 days and the time at which the driver was last relieved of duty.

Records of duty status must be maintained for a minimum of six months at the carrier’s principal place of business. Supporting documents must also be maintained for six months.

Supporting documents include, but are not limited to:

- Shipping papers and delivery receipts
- Toll receipts
- Fuel receipts
- Trip packet (expenses)
- Weight receipts
- Payroll records
- Phone records

**Automatic On-Board Recording Devices:** Alternatively, motor carriers may require a driver to use an automatic on-board recording device to record duty status. The driver must still have in their possession a record of duty status in automated or written form for the previous seven consecutive days. The driver must sign all hard copies of the driver's record of duty status.

## **Vehicle Inspection, Repair, and Maintenance**

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**General Requirements:** Every carrier shall systematically inspect, repair, and maintain all commercial motor vehicles (10,001 pounds or more) under its control.

**Record Keeping Requirements:** Motor carriers must maintain the following information for every vehicle (including trailers) they have controlled for 30 days:

- Identifying information, including company number, make, serial number, year, and tire size
- A schedule of inspections to be performed, including type and due date
- Inspection, repair, and maintenance records
- Records of tests conducted on buses with push-out windows, emergency doors, and marking lights

**Retention of Records:** Maintenance records must be retained for one year. If the vehicle leaves the carrier's control, the record must be maintained for six months thereafter.

**Roadside Inspection Reports:** Any driver who receives a roadside inspection report must deliver it to the carrier.

An official of the motor carrier is to examine the roadside inspection report and ensure that any violations or defect noted on the report are corrected. Within 15 days after the inspection, the carrier must sign the completed roadside inspection report to certify that all violations have been corrected and then return it to the indicated address. A copy must be retained for 12 months from the date of inspection.

**Out of Service Vehicles:** No motor carrier shall require or permit any person to operate nor shall any person operate any motor vehicle declared and marked **"Out of Service"** until all repairs required by the "out of service notice" have been satisfactorily completed.

**Post-trip Inspection Report:** Every carrier must require drivers to prepare a daily written post-trip inspection report at the end of each driving day. Every driver is responsible for preparing such a report for each vehicle driven.

The report must cover at least all parts and accessories under 396.11. They Include:

- Service brakes (including trailer brakes connections)
- Parking (hand) brakes
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wipers

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- Rearview mirror
- Coupling devices
- Wheels and rims
- Emergency equipment

**Corrective Measures:** The report must list any condition that the driver either found or had reported to him that would affect safety of operation or cause a breakdown. If no defect or defects are reported or found, the report should state this. The driver must sign the report and turn it in to the carrier. Before dispatching the vehicle again, a carrier shall ensure that a certification of repairs has been made as to any defects or deficiency that they have corrected, or state deficiencies that do not require immediate correction. Carriers must keep the original post inspection report and the certification of repairs for at least three months from the date of preparation.

Before starting out, the driver must be satisfied that the motor vehicle is in safe operating condition. If the last vehicle inspection report notes any deficiencies, the driver must review and sign to acknowledge that necessary repairs have been completed.

**Annual (periodic) Inspections:** Every commercial vehicle, including each segment of a combination vehicle requires periodic inspection that must be performed every 12 months. At a minimum, inspections must include all items enumerated in the Minimum Periodic Inspection Standards. Carriers may perform required annual inspections themselves. The motor carrier must retain the original or a copy of the periodic inspection report for 14 months from the date of the report.

Documentation (report, sticker, or decal) of the most recent periodic inspection must be kept on the vehicle.

The motor carrier may meet periodic inspection requirements through:

- State or other jurisdiction's roadside inspection program
- Self-inspection by qualified employee or;
- Third party inspection by qualified individual

**Inspector Qualification:** Motor carriers must ensure that persons performing annual inspections are qualified. Inspectors must:

- Understand the inspection standards of Part 393, Appendix G
- Be able to identify defective components
- Have knowledge and proficiency in methods, procedures, and tools

Motor carriers must retain evidence of an inspector's qualification until one year after the inspector ceases to perform inspections for the carrier.

The motor carrier is responsible for ensuring that all inspections, maintenance, repairs and service to brakes of commercial motor vehicles comply with these regulations. The carrier must ensure that the employees responsible for brake inspection, maintenance, and service or repair meet brake inspector qualifications.

# Hazardous Materials

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**Hazardous Material Carriers:** Motor Carriers transporting a hazardous material (interstate or intrastate) must comply with the Federal Hazardous Materials Regulations, 49 CFR 100-180. These regulations include registration, training, shipping papers, labels, placards and packages. In addition, there are additional requirements in the Federal Motor Carrier Safety Regulations, which include insurance requirements, operational restrictions, commercial drivers license endorsements, routing, parking, and attendance requirements for hazardous materials.

Carrier requirements in the transportation of hazardous material include but are not limited to:

- Being registered with the Hazardous Materials Registration Program
- Being familiar with the hazmat regulations and responsibilities in hazmat accidents/incidents
- Providing training and testing to all drivers who transport hazardous materials
- Keeping a record of training on each employee, up to 90 days after leaving employment

The regulations require that hazardous materials employees be trained and tested at least once every two or three years, depending on the material they are hauling.

If the motor carrier is a cargo tank carrier, the cargo tanks are to be properly equipped, marked, maintained, reconditioned, repaired, retested, and placarded.

## Forms

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Available on the Federal Motor Carrier Safety Administration website ([www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)):

### **Part 382 Alcohol and Drug Testing Requirements**

- Alcohol Testing Form

### **Part 387 Minimum Levels of Financial Responsibility for Motor Carriers**

- Motor Carrier Public Liability Surety Bond

### **Part 390 Federal Motor Carrier Safety Regulations: General**

- Motor Carrier Identification Report
- Accident Register

### **Part 391 Qualifications of Drivers**

- Medical Examination Report
- Medical Examiner's Certificate
- Annual Review of Driving Record
- Application for Employment
- Certification of Driver's Road Test
- Driver's Certification of Violations
- Driver Qualification File Checklist
- Driver's Road Test Examination
- Inquiry to State Agency for Driver's Record
- Multiple-Employer Drivers
- Request for Information from Previous Employer

### **Part 395 Hours of Service of Drivers**

- Hours-of-Service Record for First Time or Intermittent Drivers
- Driver's Daily Log
- Summary of Hours Worked and Hours Available
- Letter
- Driver's Time Record

### **Part 396 Inspections, Repair, and Maintenance**

- Inspection Items
- Differences in the Levels of Inspection
- Annual Vehicle Inspection Report
- Driver's Vehicle Inspection Report
- Vehicle Service Status Report
- North American Standard Inspection Procedure
- Inspection, Repair & Maintenance Record
- Inspector Qualifications
- Brake Inspector Qualifications
- Bus Emergency Exits Inspection
- On Guard

### **Transportation of Hazardous Materials**

- **Hazardous Materials Incident Report**
- **Hazardous Materials Registration Statement Page #1**
- **Hazardous Materials Registration Statement Page #2**

### **Motor Carrier Financial and Operation Statistics**

- **Worksheet for Calculating Carrier Classification (Motor Carriers of Property) Page #1**
- **Worksheet for Calculating Carrier Classification (Motor Carriers of Property) Page #2**
- **Worksheet for Calculating Carrier Classification (Motor Carriers of Passengers) Page #1**
- **Worksheet for Calculating Carrier Classification (Motor Carriers of Passengers) Page #2**
- **Motor Carrier Annual Report Form M Instructions**
- **Quarterly and Annual Report Form Motor Carriers of Passengers**
- **Motor Carriers of Property and Household Goods 2001 Annual Report**
- **Motor Carriers of Property and Household Goods 2002 Quarterly Report**





# WISCONSIN STATE PATROL

## Motor Carrier Enforcement Section

### Investigation Unit Regions



Investigation Unit Manager  
Bud Coxhead



NW A REGION  
Jonathan C. Bessler  
Investigator



NC A REGION  
Richard A. Hablewitz  
Investigator



NE A REGION  
John W. Eberhardy  
Investigator



NW B REGION  
Dale W. Knutson  
Investigator



NE B Region  
Kenneth A. Braun  
Investigator



NW C REGION  
Douglas B. Puente  
Investigator



NC B Region  
Judy A. Jaeger  
Investigator



SE A Region  
Jeffrey P. Swan  
Investigator



SW C Region  
David J. Blinkiewicz  
Investigator



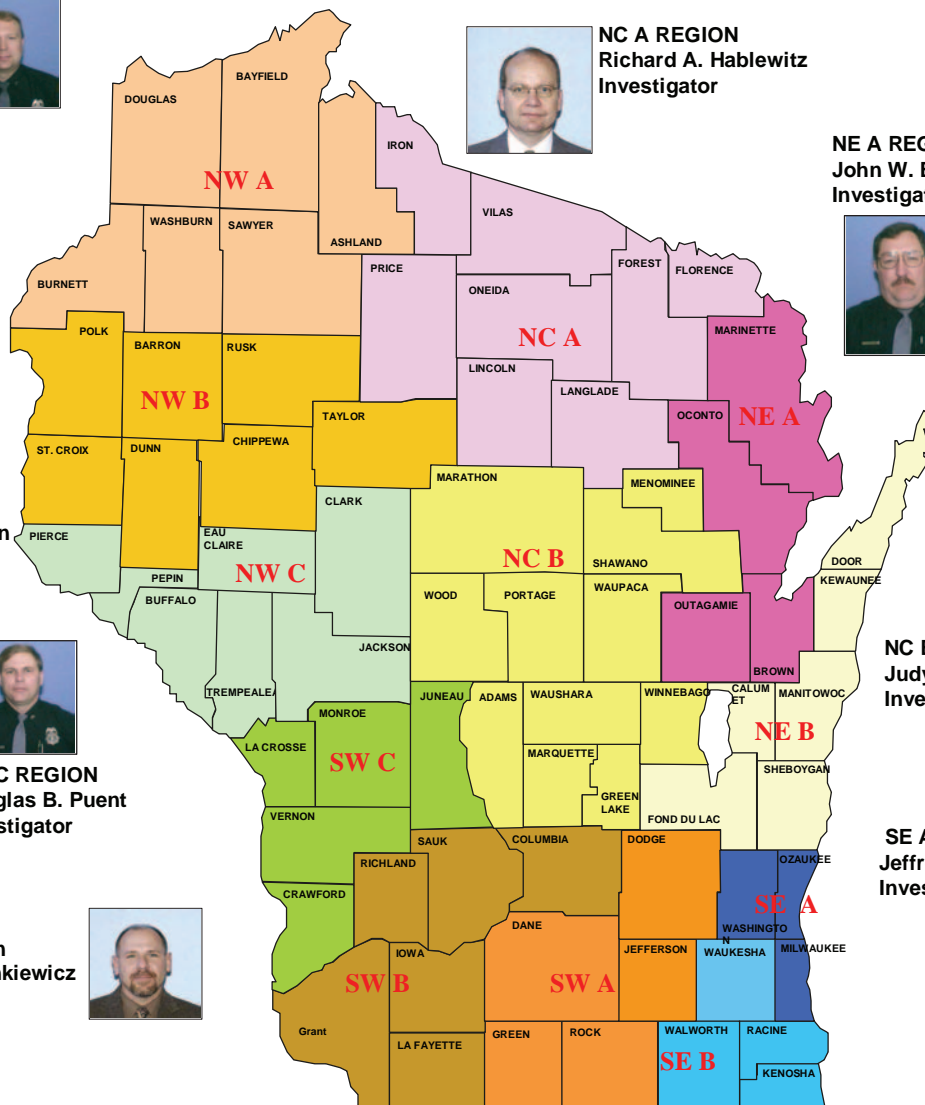
SE B REGION C  
Christopher N. Wileman  
Investigator



SW B REGION  
Janelle C. Paske  
Investigator



SW A REGION  
Sandy S. Vosen  
Investigator



**NEW!** All Motor Carrier Enforcement questions can be  
answered by calling the

**Motor Carrier Enforcement Information System (MCEIS)**

At **608 267 9762**

Feb 2005

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Division of State Patrol  
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